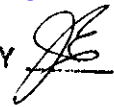


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.

05 AUG 23 AM 6:53

FITEC INTERNATIONAL, INC.,
A TENNESSEE CORPORATION,

Plaintiff,

vs.

Civil Action No. 2:04CV2326-D/V

PAUL C. ARDERN, AN INDIVIDUAL
STATE OF FLORIDA,

JURY DEMANDED

Defendant, Counter-Plaintiff,

vs.

FITEC INTERNATIONAL, INC.,
A TENNESSEE CORPORATION,

Counter-Defendant.

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TENN. MEMPHIS

THIRD AMENDED JOINT SCHEDULING ORDER

Pursuant to written notice, a scheduling conference was held on July 22, 2004. Present were John R. Branson, counsel for Plaintiff, and Todd B. Murrah, counsel for Defendant.

Pursuant to an Order Granting Joint Motion for Continuance and Modification of Scheduling Order, the following dates were established as the final dates for:

Initial Disclosures: Pursuant to Fed.R.Civ.P 26(a)(1): August 30, 2004.

Joining Parties: September 30, 2004.

Amended Pleadings: May 1, 2005.

Initial Motions to Dismiss: October 29, 2004.

Completing All Discovery (Note: no additional interrogatories, requests for production of documents or requests for admissions may be filed or served without leave of the court or written consent of opposing counsel): February 15, 2006.

(a) Document Production (filing responses to previously filed requests):

This document entered on the docket sheet in compliance
with Rule 58 and 29(a), Fed.R.C.P. on 8/16/05

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September 15, 2005.

(b) Interrogatories and Requests for Admissions

(filing responses to previously filed interrogatories and requests for admissions):

September 15, 2005.

(c) Depositions of Fact Witnesses: November 30, 2005.

(d) Expert Witness Disclosure (Rule 26):

1) **Disclosures of Plaintiff's Rule 26 Expert Information: December 15, 2005.**

2) **Disclosures of Defendant's Rule 26 Expert Information: January 15, 2006.**

(e) Expert Witness Depositions: February 15, 2006.

Filing Dispositive Motions: February 30, 2006.

OTHER RELEVANT MATTERS:

This case is set for jury trial, and the trial is expected to last 4 to 5 days. The presiding judge will set the pretrial conference date, and trial date.

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation after the close of discovery.

The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed.R.Civ.P. 12, 56, 59 and 60 shall be accompanied by a proposed order.

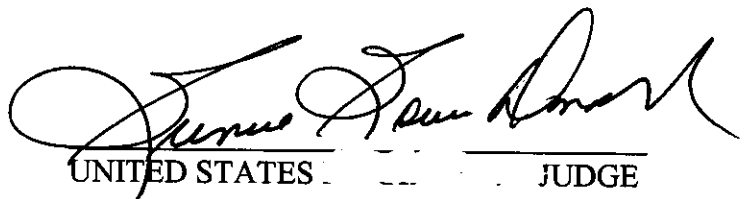
The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the Magistrate Judge.

This order has been entered after consultation with trial counsel pursuant to notice.

Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.


UNITED STATES JUDGE

Date: August 25, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 39 in case 2:04-CV-02326 was distributed by fax, mail, or direct printing on September 6, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT